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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Modifying Renewal Dates for)
Certain Stations Licensed)
Under Part 74 of the)
Commission's Rules; and)

MM Docket No. 92-168

Revising FCC Form 303-S,)
Application for Renewal of)
License for Commercial and)
Noncommercial AM, FM or TV)
Broadcast Station)

To: The Commission

JOINT COMMENTS ON NOTICE OF PROPOSED RULE MAKING

Schwartz, Woods & Miller, on behalf of Mississippi Authority for Educational Television (MAET); Oregon Commission on Public Broadcasting (OCPB); University of North Carolina (UNC); and Western New York Public Broadcasting Association (WNYPBA) (collectively referred to herein as "the Joint Parties"), hereby files these comments on the Notice of Proposed Rule Making, ("Notice"), 7 FCC Rcd. 4948, released August 4, 1992 in the above-referenced proceeding. In support thereof, the following is shown:

1. MAET, OCPB and UNC are state entities statutorily mandated to provide statewide public television network service. Translator facilities play a vital role in fulfillment of this fundamental mission. WNYPBA is a community licensee of public Station WNED-TV, Buffalo, New York, which makes extensive use of translators to extend the reach of its signal in underserved areas, thereby affording many residents of the State access to cardinal public television service.

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2. In particular, UNC is the licensee or permittee of well over twenty translator facilities at various locations in the State. These translator facilities complement UNC's ten full service television stations in the provision of Statewide public television service. They are particularly important in making service available in the mountainous western areas of the State. Similarly, OCPB is the licensee or permittee of over 40 TV and FM translators which complement public television and radio service provided through OCPB's various full service facilities, while MAET also is the licensee and permittee of TV and FM translator operations which are designed to complement its eight-station TV and FM network operations. Finally, WNYPBA operates some 25 translators throughout the Western New York area. Without these translators, thousands of people in the State would be without effective access to public television service.

3. The Joint Parties applaud the Commission's proposal to simplify and rationalize translator renewal procedures. Needlessly complicated procedures and disparate renewal dates for translators and full service facilities work to the detriment of licensees and the public alike and consume scarce Commission resources as well. It should be stressed that translator facilities are by definition both auxiliary and secondary in nature. Requiring separate applications for these rebroadcasting facilities entails unnecessary paperwork. In this regard, the Commission many years ago streamlined the processing of broadcast auxiliary facilities by eliminating the required filing of separate Forms 313-R. This was an eminently

sensible approach to the renewal of non-controversial facilities, and the same rationale applies with equal force to the licensing of translator stations.^{1/} Moreover, with respect to the issue of public participation in the renewal process raised by the Commission, it should be stressed that a licensee's full service operations, with their attendant EEO obligations, are invariably the focus of public scrutiny. While the public has rights vis a vis translator renewals, which would be preserved and enhanced through heightened awareness through the adoption of the Commission's proposal, the bottom line is that translators are secondary and non-controversial facilities; the Commission's proposal recognizes this circumstance. Accordingly, the Joint Parties wholeheartedly support the Commission's proposal to allow licensees of full power radio and TV stations to use a single application form to renew simultaneously the authorizations for their commonly owned translators.

4. The Joint Parties observe that the Commission's proposal appears to contemplate a single full service station seeking renewal of translator authorizations using a single Form 303-S. For this reason, clarification is needed to address the situation involving licensees of multiple full service facilities. Three of the four Joint Parties are licensees of statewide networks and the remaining Joint Party

^{1/} While auxiliary broadcast facilities need not even be listed in renewal applications, translators do broadcast to the public and are subject to public notice requirements. The Joint Parties believe that the proposed listing of translators in full service renewal applications is entirely reasonable and places no significant burden upon licensees.

in fact is the licensee of two television stations in the same market. Public broadcast network operations typically involve a flagship facility which provides studio facilities and distributes program material statewide through full service satellite stations. The Joint Parties recommend adoption of rules which would direct the licensees of multiple full service facilities to list their translator stations on the flagship renewal application form.

5. In fact, it should be stressed that a similar streamlining could be applied to the applications for renewal of full service facilities of statewide networks which operate flagship studio facilities and distribute programming through full service satellites as well as to licensees of dual station operations in a single market. The Joint Parties propose that such licensees be permitted to use a single Form 303-S to renew all of their full service stations. Multiple Forms 303-S do not serve any useful purpose for such facilities but, rather, entail burdensome and duplicative paperwork.^{2/} Further, to the extent that the Commission otherwise deems a separate Form 303-S for each full service facility to be necessary for its own recordkeeping purposes, the rules could nonetheless be modified to permit the filing of multiple copies of a single master Form 303-S which includes reference to all full service

^{2/} The Joint Parties are aware that RF statements would be required for each full service facility. These statements could either be separately prepared and submitted together with the single Form 303-S or a master RF statement canvassing all facilities could be submitted. In any event, the Commission's proposal will require a similar procedure for translator facilities being renewed using a single form 303-S.

facilities. Even this modest change would save time and paperwork to the extent that it eliminated the need for separate, original Forms 303-S for each facility.

WHEREFORE, for the foregoing reasons, the Joint Parties urge adoption of the Notice consistent with the views expressed herein.

Respectfully submitted,

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behalf of
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